

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION,

Plaintiff,

V.

R.G. & G.R. HARRIS FUNERAL
HOMES INC.,

Defendant.

CIVIL ACTION NO.
2:14-CV-13710
Hon. Sean F. Cox

KENNETH BIRD
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OPPORTUNITY COMMISSION
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PLAINTIFF EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION’S RESPONSE TO MOTION TO INTERVENE

Plaintiff Equal Employment Opportunity Commission for its
Response to the Motion to Intervene states:

1. Admitted.

2. Admitted. Further, Commission attorneys fully-briefed and argued the appeal on behalf of the rights of Aimee Stephens and took a videotaped deposition of Ms. Stephens to preserve her testimony and protect her interests while the case was on appeal.

3. Admitted.

4. Admitted.

5. No contest.

6. The filing speaks for itself.

7. The filing speaks for itself.

8. The filing speaks for itself.

9. Since the remand by the Supreme Court, the Commission has engaged in good faith efforts to resolve this matter by proposing appropriate and reasonable terms of settlement. To that end, both prior to and during the August 7th phone conference with Intervenor, the Commission sought the input of the Estate regarding the monetary components of relief, including compensatory damages for Intervenor and the Estate's attorney fees. On August 7, the Estate stated that it

would take at least two weeks for the Estate to be able to provide an approximation of its attorney fees. (*See Exhibit, August 10, 2020, redacted email exchange between counsel for the EEOC and counsel for the Estate.*) Since that time, the Estate has not provided the EEOC with information related to either additional compensatory damages for Intervenor that it deems appropriate nor the amount of its attorney fees. However, the EEOC understands that the Estate has recently informed the Defendant of a general approximation of its attorney fees. The Commission's conditional consent to intervention was based on its good-faith belief that all parties were in a position to resolve the matter, properly protecting the interests of the Estate, so that no intervention was necessary.

RESPONSE TO PRAYER FOR RELIEF

The Commission has no objection to the intervention of Donna Stephens on behalf of the Estate.

EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION

BY:___/s/_/Dale Price_____
DALE PRICE (P55578)
Trial Attorney for Equal Employment
Opportunity Commission
(313) 226-7808

Dated: August 25, 2020

Certificate of Service

I hereby certify that on August 25, 2020, I electronically filed the forgoing with the clerk of the Court by using the CM/ECF system, which will send a notice of electronic filing to all record attorneys.

EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION

Dated: August 25, 2020

s/ Dale Price
DALE PRICE (P55578)
Trial Attorney

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**BRIEF IN SUPPORT OF PLAINTIFF EQUAL
EMPLOYMENT OPPORTUNITY COMMISSION'S
RESPONSE TO MOTION TO INTERVENE**

CONTROLLING LEGAL AUTHORITY

The provisions of Fed.R.Civ.P. 24 control.

QUESTION PRESENTED

Should the Court grant leave for the Estate to intervene in this case?

The Plaintiff EEOC answers:

Since remand by the Supreme Court, both prior to and during the August 7th phone conference with Intervenor, the Commission sought the input of the Estate regarding the monetary components of relief, including compensatory damages for Intervenor and the Estate's attorney fees.

The Commission's conditional response to intervention was based on its good-faith belief that the parties were in a position to resolve this matter in a manner that included the interests of the Estate. It believed that the Estate's information would help the parties reach a timely and complete resolution and render intervention (and the accrual of additional costs and fees) unnecessary.

That said, the Commission does not object to the Motion to Intervene.

EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION

BY: /s/ Dale Price
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